

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6192 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

NITINCHANDRA C THAKKAR

Versus

CHIEF CONTROLLING REVENUE AUTHORITY

Appearance:

MR SANDEEP N BHATT for Petitioner
MR PS PATEL for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/12/97

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. Rule. Mr. P.S. Patel waives service of rule on behalf of respondents. On the request of the counsel for the parties, the matter is taken up for final hearing.
3. Challenge has been made by the petitioner to the order of the Chief Controlling Revenue Authority, Gujarat

State, Ahmedabad dated 31st July, 1997 under which it has decided that no reference under section 54 of the Bombay Stamps Act, 1958 is required to be made from the said office.

4. Earlier, the petitioner has come up before this Court and this Court has passed the order in special civil application No.2512/97 on 11-4-1997, which reads as under:

In these matters rule is issued and is heard today. Learned advocate for the respective petitioner waives service of the rule.

In view of the larger Bench judgment, the learned advocates for the petitioners request the Court to permit them to withdraw the petitions with a view to enable the petitioners to take appropriate action under the provisions of the Bombay Stamps Act, 1958.

The petitioners are directed to approach the appropriate authority within a period of six weeks from today.

It is further directed that the competent authority shall not raise any objection about delay, if such an application is made within six weeks from today.

In view of the above order interim relief granted earlier to continue if such application is made within a period of six weeks from today. The authority shall decide the application in accordance with law.

In view of the aforesaid, the petitions stand disposed as withdrawn. Rule is discharged. No order as to costs.

5. In pursuance of the order of this Court aforesaid, the petitioner filed an application under section 54 of the said Act before the Chief Controlling Revenue Authority at Ahmedabad and instead of deciding that application on merits, the said authority has passed the order impugned in this special civil application. The Chief Controlling Revenue Authority, Gujarat State, Ahmedabad has not taken the note of the order of this Court passed in special civil application No.2512/97.

6. Only on this short ground, this petition deserves

acceptance and the same is allowed. The order dated 31st July, 1997 of the Chief Controlling Revenue Authority, Gujarat State, Ahmedabad is quashed and set aside and it is hereby directed that the Chief Controlling Revenue Authority at Ahmedabad will consider the matter afresh after taking into consideration the order of this Court passed in special civil application No.2512/97 decided on 11-4-1997. The matter shall be decided within a period of two months from the date of receipt of writ of this order and it is expected of the said authority to pass a reasoned order and to send a copy of the same to the petitioner by registered post A.D.. Rule made absolute in the aforesaid terms with no order as to costs.

zgs/-